

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:10-CV-00407-FDW-DCK**

TANAYINA GAMBLE,

Plaintiff,

v.

**CAROLINAS MEDICAL CENTER AND
MELVIN DENT,**

Defendants.

NOTICE

THIS MATTER is before the Court following the filing of Defendant Melvin Dent's Motion to Dismiss (Doc. No. 6) pursuant to 12(b)(6) of the Federal Rules of Civil Procedure,¹ wherein Defendant has moved the Court to dismiss all claims brought against him in Plaintiff's Complaint for failure to state a claim upon which relief can be granted.

In accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975),² the Court advises Plaintiff, who is proceeding *pro se*, that she must show in her response to Defendant's motion that her complaint contains sufficient allegations to support a cause of action against Defendant Dent that is recognized by law.

In order to survive a 12(b)(6) motion to dismiss for failure to state a claim upon which relief can be granted, Plaintiff's "complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" Ashcroft v. Iqbal, ___ U.S. ___, 129

¹The pending motion to dismiss pursuant to 12(b)(6) was filed only by Defendant Dent. The other Defendant, Carolinas Medical Center, filed an answer on September 20, 2010, and did not join in Defendant Dent's motion to dismiss. (Doc. No. 7).

²The specific language of Roseboro addressed the responsive burden for a *pro se* party in the context of a motion for summary judgment, but the Court, out of abundance of caution, provides Plaintiff with a similar notice regarding Defendant's motion to dismiss.

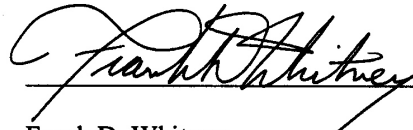
S. Ct. 1937, 1949 (2009) (citing Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads sufficient factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” Id. (citing Twombly, 550 U.S. at 556.)

Plaintiff is advised that she has until **Wednesday, October 20, 2010**, to file her response to Defendant Dent’s motion in light of the above standard. Plaintiff’s response must be served on the Defendant and must include a certificate of service indicating the manner in which Plaintiff served Defendant. Plaintiff’s failure to respond may result in Defendant being granted the relief he seeks.

The Clerk is directed to send a copy of this Notice to Plaintiff at 7208 Wallace Road, #212, Charlotte, NC 28212, which is Plaintiff’s address of record.

IT IS SO ORDERED.

Signed: September 29, 2010



Frank D. Whitney
United States District Judge

